

REMARKS

This Amendment is in response to the FINAL Official Action and the Advisory Action currently outstanding with regard to the above-identified application, and constitutes the required “submission” accompanying Applicants’ concurrently filed Request for Continued Examination.

Claims 1-24 were pending in this application at the time of the issuance of the currently outstanding FINAL Official Action. By the foregoing Amendment and Request for Reconsideration filed in response to the FINAL Official Action, Applicants proposed the correction of the spelling of one word and the rewriting of all of the Claims with proper indentations. Otherwise, Applicants proposed no amendment of any claims, no cancellation of any claims, and no addition of any claims. The Examiner entered these Amendments in the Advisory Action currently outstanding in this prosecution, but continued his rejection of the claims of this application.

By the foregoing Amendment, Applicants have revised the wording of Claims 1-3, 5-7, 9-11, 13-15, 17-19, and 21-23 primarily for the purpose of more clearly, distinctly and completely claiming the present invention. In particular, the claims of this application have now been amended so as to clearly and definitely indicate that the communication devices of the various networks communicate with **all** mobile terminals within their respective ranges of communication. Further, the claim phraseology has been revised so as to remove any implication that the “at least one” mobile terminal claimed in associated with one of the claimed networks in the independent claims the only mobile terminal claimed. Hence, the phraseology relating to “a specified one of the at least one mobile terminal” has been revised throughout the claims so as to refer to “a specified mobile terminal” thereby more clearly, fully and distinctly setting forth the subject matter that the Applicants regard as their invention.

In other words, the phraseology of the claims has been revised so as to make it clear that a mobile terminal associated with any particular one of the plurality of networks as its "home" network can move among the others of the plurality of networks, receive communications from the communication device of networks other than its respective home network, transmit (output) the preselected data received from the communication device to the detection device of the network with which it then is associated, and receive data and information from the communication device of the network with which it is associated at any given point in time.

In the currently outstanding FINAL Official Action, the Examiner:

1. Acknowledged Applicants claim for foreign priority under 35 USC 119(a)-(d) or (f), and confirmed the receipt by the United States Patent and Trademark Office of the required certified copies of the priority documents;
2. Indicated that the drawings filed with this application on 9 January 2001 are accepted;
3. Provided Applicants with a Notice of References cited (Form PTO-892) listing five (5) newly cited references;
4. Provided Applicants with a copy of the Form PTO-1449 that accompanied their Information Disclosure Statement of 9 January 2001 duly signed, dated and initialed by the Examiner to confirm his consideration of the art listed therein;
5. Acknowledged Applicants' Amendment of 21 July 2004 and Applicants' Supplemental Amendment of 31 August 2004;

6. Objected to Claims 1 and 14 on the basis that they were not presented with proper indentations to allow a proper reading thereof and requested Applicants to present the same with proper indentations;
7. Finally rejected Claims 1-24 under 35 USC 102(e) as being anticipated by the newly found and cited Agraharam et al reference (US Patent No. 6,407,988) while at the same time withdrawing his previous rejection based upon the Leung reference (US Patent 6,621,810) in view of Applicants' persuasive argument and clarification of the wording of the claims of this application;
8. Failed to apply any of the other references cited against any of the claims of this application thereby suggesting that those references are simply deemed to be pertinent to Applicants' disclosure.

In the currently outstanding Advisory Action, the Examiner:

1. Entered Applicants proposed claim amendments;
2. Continued his substantive rejections concerning Claims 1-24;
3. Disagreed with Applicants' assertion the finality of his rejection based upon the Agraharam reference was inappropriate; and
3. Provided Applicants with comments concerning his view of their substantive response to his rejection of Claims 1-24 in the FINAL Official Action.

Further comment regarding the formal matters dealt with in the Examiner's FINAL Official Action and Advisory Action is not deemed to be necessary in these Remarks.

With respect to the Examiner's substantive rejections, Claims 1-24 stand rejected under 35 USC §102(e) as being anticipated by the newly cited Agraharam et al reference (US 6,407,988). Applicants, however, respectfully submit (as they did in their Amendment After FINAL Rejection) that the Examiner has attributed disclosure to the newly cited Agraharam reference that is not actually present therein. Further, Applicants again respectfully submit that the Examiner has suggested that the newly cited Agraharam, et al. reference operates in a manner different from that which is actually disclosed therein.

As previously mentioned in this prosecution, Applicants do not dispute that the Agraharam reference discloses a plurality of so-called MAIN networks - see, for example, networks 111.1, 111.2 and 111.3. Applicants also do not dispute that the Agraharam reference discloses at least one mobile terminal primarily associated with one of the networks as that mobile terminal's so-called "Home" network (agent) - see, for example, network 111.1. Further, Applicants do not dispute that the Agraharam reference discloses that at least one mobile terminal is movable from its primarily assigned so-called "Home" network (for example, network 111.1) to another of the networks (agents) designated as a "Foreign" network (for example, network 111.2).

Contrary to the Examiner's asserted basis for his currently outstanding FINAL rejection of all of the presently pending claims of this application, however, Applicants respectfully maintain that neither the specifically and distinctly claimed communication device that sends preselected data received from the server to all of the mobile terminals located within its communication range, nor the specifically and distinctly claimed detection device that detects return signals from any mobile terminals within the communication range of the communication device is disclosed in the Agraharam reference.

In this regard, the Examiner has suggested in the outstanding Advisory Action that Applicants have failed to claim that the communication devices associated with each of the plurality of networks claimed sends the preselected data received from the server to **all of the mobile terminals then located within the range of communication of that communication device**. Further, the Examiner has asserted that the Applicants have failed to specifically claim the fact that the detection devices respectively associated with each network detect the output (transmission) of the preselected data from each of the mobile terminals located within the communication range of the communication device associated with the same network as that associated with the detection device as a return transmission (i.e., that the detection device of each the respective networks receives the output transmission of the preselected data originally transmitted by the communication device of the same network from each mobile terminal then located on that network).

Applicants respectfully submit that the foregoing amendment of the independent claims of this application so as to recite:

a communication device that sends said preselected
data received from said server to all mobile terminals primarily
assigned to any of said plurality of networks located within a
range of communication of said communication device wirelessly,
and
a detection device that detects any said mobile terminals primarily
assigned to any of said plurality of networks present within said
range of communication of said communication device by
detecting said output of said received preselected data therefrom

totally and completely overcomes the latter arguments asserted by the Examiner.

Therefore, since in order to support an anticipation rejection the Examiner must show all of the elements of the rejected claim disclosed explicitly or inherently in a single prior art reference, and the newly found and cited Agraharam reference fails to teach, disclose or suggest all of the limitations of the presently pending claims of this application, Applicants respectfully submit that the Examiner's currently outstanding FINAL rejection upon reconsideration should be found to fail. A decision so holding in response to this communication is respectfully requested.

In further support of this position, Applicants respectfully submit that in the Agraharam reference not only fails to specifically teach, disclose or suggest the presently claimed communication and detection means, but also that the Agraharam reference operates in a manner that is inconsistent with the presence of the presently claimed communication and detection means therein.

Thus, Applicants again respectfully note that in the Agraharam reference, the mobile terminals ("hosts") are each assigned a home address (i.e., the address of the "home" network) and a virtual home address (i.e., the address of the mobile terminal when the mobile terminal is located on its respective "home" network) – see, Column 2, lines 38-46. Also in the Agraharam reference, the "home" and "virtual home" addresses are maintained in a database associated with the home network of the mobile terminal. Hence, a certain level of privacy is maintained in the Agraharam reference. Specifically, this privacy level arises because only the "home" address of the mobile terminal is made public whether the mobile terminal is actually located on its "home" network or not.

Further, in the Agraharam reference, each mobile terminal registers with both the “foreign” and the “home” networks each time it connects to a foreign network. The Agraharam reference **does not specify how this “registration” is accomplished.** Applicants respectfully submit, however, that in the Agraharam reference it is clear that the mobile terminal is the element that initiates the “registration” by somehow determining on its own whether it is located in its home network or in a foreign network, as opposed to one of the networks or a common server determining the presence of the mobile terminal in a particular network via the presently claimed network communication and detection devices or otherwise. Note that at Column 4, lines 40-60, (referred to by the Examiner in the outstanding Advisory Action) Agraharam speaks specifically about **activity initiated by the mobile host** when **it** determines whether it is in its home network or in a foreign network.

Therefore, it is to be understood that in the Agraharam reference, upon the “registration” by a mobile terminal, the network in which that mobile terminal then is located and the home network of that mobile terminal both update their respective databases utilizing input **initiated by the mobile terminal** so as to reflect the then current location of the mobile terminal. Further, in the case of the mobile terminal being located in a foreign network, the mobile terminal in the Agraharam reference also obtains the “care-of” address of the foreign network. That “care of” address also is communicated to the home network either by the mobile terminal itself or by the foreign network in which the mobile terminal then resides. Thus, the home network and the foreign network databases both contain information concerning the current location of the mobile terminal (Column 4, lines 5-60), but that information is not acquired by either the “Home” or the “Foreign” network in the same manner or with the same elements as are herein specifically and distinctly claimed.

Still further, unlike the present invention wherein it is the server that decides where the incoming information is to be sent, the mobile server in the Agraharam reference is specifically disclosed as simply maintaining a database of the most recent care-of address of the mobile terminal **as a central depository for the resolution of any conflicts among the databases of the various networks as to the then current location of the mobile network** (Column 7, lines 45-53) Accordingly, Applicants respectfully submit that contrary to the presently claimed invention, in the operation of the Agraharam reference it is not the server that determines how incoming information is to be directed.

Instead, as discussed at Column 5, line 27 to Column 6, line 14, of the Agraharam reference, incoming data is first directed to the home network whether or not the destination mobile terminal is then located on that home network. Then, if the mobile terminal is located on the home network, the input is directed to the mobile terminal based upon the mobile terminal's home virtual address. On the other hand, if the destination mobile terminal is not located on the home network, the incoming data is still sent to the home network of the mobile terminal, and the home network forwards the incoming data to the foreign network designated by the care-of address for the foreign network on which the mobile terminal is then located in accordance with the information stored in its database for ultimate distribution to the mobile terminal.

In the Agraharam reference, this forwarding is accomplished by so-called "tunneling" as opposed to retransmission. In addition, in Agraharam, upon receipt of the first packet of incoming information, the mobile terminal itself analyzes that information to determine its source.

Then, according to the Agraharam reference, if the source of the incoming information is located in a network connected to the foreign network in which the mobile terminal is then located, the mobile terminal issues a request through the foreign network to the information source network that requests that the information source network assume the role of a “pseudo home” network. This simply means that the information source network is requested by the mobile terminal to function in the manner of its home network such that input information directed to the mobile terminal at its home network is “tunneled” from the source network directly to the foreign network then associated with the mobile terminal, rather than to the foreign network via the real home network.

Accordingly, Applicants again respectfully submit that the disclosure of the Agraharam reference is clearly indicative of its differences from the present invention. This is to say that while there may be some conceptual similarities between the Agraharam reference and the present invention, the Agraharam reference avoids the necessity of incoming information having to be “passed through” the home network when the destination mobile terminal is associated with a foreign network (at least after the pass through of the initial data packet) in a different way than that result is accomplished by the present invention. **In other words, Applicants respectfully submit that the avoidance of “pass through” the home network in the Agraharam reference does not arise by virtue of any independent action taken by the information source network in response to information stored in the information source network concerning the then current relationship between the home and foreign networks and the mobile terminal as is the case for the presently claimed server.**

Instead, in the Agraharam reference, the avoidance of home network “pass through” results specifically from an initial information pass through the home network to the foreign network and thence to the mobile terminal that is followed by a particular and specific direction to the information source network **from the mobile terminal itself** requesting that further information directed to it at its home network be redirected to the foreign network on which the mobile terminal is then located, rather than to home network designated by the home address to which incoming information was originally sent.

Consequently, Applicants again respectfully submit that the Examiner’s argument that the Agraharam reference anticipates the present invention cannot withstand detailed critical analysis. More particularly, when an analysis of the detailed description provided by the Agraharam reference is undertaken, Applicants respectfully submit that it becomes clear that there is simply no centralized point of entry of information directed to a mobile terminal in the Agraharam reference that (1) acquires and stores at any given time in the manner herein claimed (i.e., using the claimed communication and detection means) information concerning the network on which the mobile terminal associated with a specific home network is located, and (2) uses the latter stored information to determine how incoming information destined for the mobile terminal at its home network should be directed so as to reach the mobile terminal at its then actual location via the most efficient route. In other words, Applicants respectfully submit that the newly cited Agraharam reference may reach a similar result to that of the present invention, but the means used and manner in which the newly cited reference accomplishes that goal are quite different from those disclosed and claimed by the present application.

In response to the foregoing, the Examiner in the currently outstanding Advisory Action has taken the positions that:

- 1) sending data to terminals within communication range is disclosed by Agraharam where he states that each MAIN provides mobility services to mobile hosts (citing Agraharam at Column 3, lines 12-31); and that this means that the MAINS route the data to the mobile hosts (citing Agraharam, Column 5, lines 33-45 and Column 6, lines 7-10); and in Fig. 1 Agraharam shows routers that are used to interconnect and route data from the MAINs to the mobile hosts (citing Column 3, lines 42-46 and 55);
- 2) detecting mobile terminals is disclosed by Agraharam where he states that mobile devices are registered to new networks whenever detected (citing Agraharam at Column 4, lines 40-60);
- 3) disagrees with Applicants' assertion that the mobility server in Agraharam is only a central repository of address information on the grounds that Applicants have improperly isolated the mobility server from the remainder of the Agraharam reference that indicates that the MAINs are what route the data to the mobile hosts and that the mobility server is located within the MAIN and assists in determining how to route the data to the mobile hosts (citing Agraharam at Column 4, lines 17-25 and Column 9, lines 45-56); and
- 4) discounts Applicants' argument regarding the avoidance of so-called "pass-through" because that particular feature is not specifically mentioned in the claims.

In response to these points of argument, Applicants have the following comments.

First, the Examiner's comments concerning the routing of data to the mobile hosts by the MAINs and routers totally misses the point of the present claims. It is not Applicants' argument that the MAINs and routers in the Agraharam reference do not send data and information to mobile terminals within the communication range of the communication device associated with the network on which the mobile terminal is located. However, nothing in the Agraharam reference discloses teaches or suggests that the server sends out a preselected data signal via the communication means associated with a network that is received by all of the mobile terminals within the range of the communication device and that preselected data is in turn output by each of the mobile terminals that receives it for detection by a detecting device of the same network as that containing the communication device that originally transmitted that preselected data.

Thus, as was emphasized above, it will be understood that the registration function discussed at Column 4, lines 40-60, of the Agraharam reference deals with a central CPU or the like being adapted to receive registration requests initiated from the individual mobile terminals. This is not the same thing as the broadcast of a preselected data signal by the network for receipt by all the mobile terminals within a communication range and the output of those received signals by the various receiving mobile terminals for detection by a detection means as herein claimed.

As to the Examiner's comments concerning the mobility server in the Agraharam reference, Applicants again call attention to the Agraharam reference at Column 7, lines 45-53, wherein it is specifically indicated that the mobility server acts as a central depository for the resolution of any conflicts among the databases of the various networks as to the then current location of the mobile network. The Examiner's citations to Column 4, lines 17-25 and Column 9, lines 45-56, are not to the contrary.

Thus, it will be understood that as mentioned at Column 4, lines 17-25, of Agraharam the servers are physically “part of” the MAINs. However, the portion of the Agraharam reference relied upon by the Examiner at Column 9, lines 45-56, is not contrary to Applicants’ assertion concerning the meaning of Agraharam Column 7, lines 45-53, indicating that the mobility server is to resolve conflicts that may arise due to the movement of the mobile host among premises networks. Rather, the latter portion of the Agraharam reference relied upon by the Examiner is predicated upon the assumption that “updated information reflecting the new care of address for the second mobile host 100.2 (at foreign agent 104.5) **has not been provided to the pseudo home agent 104.3**. (see Agraharam, Column 9, lines 33-35) which is not the normal situation, but is rather a situation that might arise as a result of dynamic movement of the mobile host among foreign networks. (Agraharam, Column 9, lines 61-62) Hence, as previously stated, the mobility server only resolves conflicts among the databases of the networks arising from the failure of the remainder of the system to keep up with the dynamic movement of the mobile host among the networks. It does not specifically participate in the routing of data to the mobile hosts as the Examiner suggests.

Finally, with respect to the Examiner’s comments concerning Applicant’s “pass-through” arguments, Applicants respectfully submit that the data “pass-through” discussed above is made possible by the inventions disclosed and claimed by Agraharam and the present invention in totally different ways. The fact that the data “pass-through” is not specifically mentioned in the present claims is not the determinative factor.

Rather, the determinative factor is that the structure disclosed by the reference and that disclosed and claimed by this application are what allows the data “pass-through” phenomena to be accomplished. In other words, the operations of the devices disclosed and claimed in the reference and the present application respectively is respectfully submitted to be clearly and definitely relevant to the issue of whether or not the cited reference anticipates the present invention. It is Applicants’ position that no anticipation is present, and a clear indicator of that fact is that the operation of the device disclosed by the cited reference is incapable of achieving the operational results of the invention herein claimed whether those operational results are specifically included in the claim language or not. In other words, anticipation requires that a single prior art reference show all of the claimed elements assembled and cooperating with one another in the same way as in the claimed invention, i.e., the allegedly anticipating reference has to show the same invention as that claimed. Here since function as well as structure forms part of the invention, Applicants respectfully submit that the results of the functions of the reference elements as compared with the elements of the claimed invention are very germane to the issue of whether or not the present invention is anticipated by the Agraharam reference.

In view of the foregoing Amendment and Remarks, therefore, Applicants respectfully submit that as discussed hereinabove the Examiner in the currently outstanding FINAL Official Action has attributed disclosure to the newly cited Agraharam reference that is not actually present therein.

In particular, Applicants respectfully submit that in the course of his currently outstanding rejection as adhered to in the currently outstanding Advisory Action the Examiner has suggested and relied upon an interpretation of the manner in which the newly cited Agraharam reference operates that is different from that actually disclosed therein. Once the correct means and operation of the system disclosed in newly found and cited Agraharam reference are understood and appreciated in contradistinction to the means and operation of the system herein claimed, Applicants respectfully submit that the Examiner on the present record has failed to establish that each and every element of the claims of this application are found either expressly or inherently described in the newly cited Agraharam reference as is required in order to support his currently outstanding anticipation rejection.

Therefore, Applicants respectfully request a decision allowing Claims of this application as hereinabove amended in response to this communication.

Further, Applicants believe that additional fees beyond those submitted herewith are not required in connection with the consideration of this response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. **04-1105**, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

Date: April 19, 2005

David A. Tucker
SIGNATURE OF PRACTITIONER

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